

HOLME PLANNING

Partnership

Planning Statement

Change of Use to Education Facility

**55 Royd Street
Milnsbridge
Huddersfield
HD3 4RB**

March 2026

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1.0 Introduction

Background

- 1.1 Holme Planning Partnership have been instructed by First Steps Together Ltd to prepare a detailed planning statement to support a planning application for the following development, namely:

‘Change of Use of 55 Royd Street, Milnsbridge from Former Care Home (Class C2) to Education Facility (Class F1).’

- 1.2 This statement will address the relevant national and local planning policies that deal with the principle of the proposed development, and the pertinent planning matters associated with the scheme. These will be addressed as set out below:

Section 2 - Application Site Context

Section 3 - Relevant Planning Policy – National Planning Policy Framework

Section 4 - Relevant Planning Policy – Kirklees Development Plan

Section 5 – Other Material Considerations

Section 6 – Crime Prevention Statement

Section 7 - Conclusions

Principle of Development

- 1.3 The Development Plan is supportive as a matter of principle of development on sites which are sustainably located, previously developed and demonstrate an effective and efficient use of land or buildings, especially when meeting wider community needs, such as education.
- 1.4 It is our view that the development subject of this application is compliant with the core principles of local and national planning policy, and we would therefore kindly request that this application be approved without delay.

Submitted Documentation

- 1.5 This planning application is supported by the following documents and drawings:

- As Existing and Proposed Floor Plans;
- As Existing and Proposed Site Layout Plans;
- As Existing and Proposed Elevations (to confirm no external alterations);
- Location Plan;
- Climate Change Statement;
- Travel Plan; and
- Planning Statement (which includes Crime Prevention Statement).

2.0 Application Site Context

- 2.1 The application site is located within the built up development area and defined settlement of Milnsbridge, to the west of Huddersfield Town Centre.
- 2.2 The application site currently comprises of a four storey property (including basement) previously in use as a care home for up to 13 adults with dementia. The site benefits from pedestrian and vehicular access from Royd Street. The site also includes an area of hardstanding on the site frontage which provides off street car parking for in the order of 4/5 cars, and a small two storey outbuilding which has long been in use for storage.
- 2.3 The site is bounded to the north, east and west by residential uses, and a care facility to the south for adults with learning disabilities (under 65) with a number of other community, education and commercial uses in the wider locality. The scheme as submitted is therefore deemed to be consistent with the mixed character of the immediate local area and is therefore acceptable as a matter of principle.
- 2.4 The site is well related to the settlement of Milnsbridge, with key services and facilities available within the locality including supermarkets, shops, pharmacy, cafes, recreation spaces, places of worship etc. The site is therefore well located for access to services and facilities.
- 2.5 The property is well related to the main highway network with good links onto the A62, and on into Huddersfield town centre. The application proposal includes sufficient provision of off street car parking to service the needs of the proposed use, and is also well located for access to local bus services, with bus stops available within walking distance of the site, including stops located on Royd Street, Greenway and Scar Lane. The site is therefore deemed to be suitably and sustainably located to service the needs of the proposed development.
- 2.6 From a review of the Historic England mapping service, the site subject of this application is not understood to be listed, and is not located within a designated Conservation Area. There are in addition, no other listed buildings or structures in the wider local area. The impact of this proposed change of use on the historic environment is not therefore deemed to be determinative to this application.
- 2.7 From a review of the Environment Agency Flood Map, the application site is not understood to be located within an area at risk from flooding, nor is the site at risk from surface water flooding, even in a 1:1000 year event. The impact of the development on flood risk and drainage infrastructure is not therefore deemed to be determinative in this instance.
- 2.8 None of the existing trees on site are understood to be subject of preservation orders.

Proposed Development

- 2.9 The development subject of this application comprises the change of use of an existing building. The site has previously been in use as care facility for up to 13 adults. The facility is however understood to have ceased to operate in the order of 10 years ago as the site was no longer viable and house wasn't meeting required standards. In the intervening period has largely stood vacant and underused. The property is however sadly understood to have been the subject of criminal activity in the intervening period, and in July 2022 was the subject of a fire from an unknown cannabis farm operating within the attic rooms. The fire led to extensive damage to the roof space, and water damage within the main building. The property is understood to have remain unused in the last 10 years and is clearly now in need of repair and the delivery of a viable long term use to avoid the risk of further criminal activity and damage to the structure resulting in visual harm.
- 2.10 In addition to not being in use as a care facility for in the order of 10years, the site has also been actively marketed by Ernest Wilson Estate Agents in Leeds since February 2025. The site has generated large amounts of interest with in excess of 40 viewings having been held on site. However, sadly as result of the condition and layout of the property, it does not lend itself to may alternative uses, or reopening as a care facility given the substantial investment and remodelling required. There has therefore been no viable interest in taking the site on either in its understood lawful use as a Class C2 facility or for other uses. There is therefore understood to be no justification to retain and protect the former care operations on site.
- 2.11 The Applicant is now therefore seeking to secure planning consent for change of use of the existing building to an education facility specialising in children with additional needs including Autistic Spectrum Disorders and those with Social, Emotional and Mental Health challenges (SEMH) who are aged 11-16, for which we understand there is a defined current need within Kirklees.
- 2.12 The provision is designed to meet the needs of children who do not thrive or benefit from the mainstream education system, but who succeed in smaller more intimate learning environments, better suited to meeting their individual needs. The Applicant proposes to provide a specialised education facility for up to 36 children in total, who will be taught in small classes of no more than 6 children at any one time.
- 2.13 The facility will be led by an experienced Head of School who will be supported by the wider First Steps Together Leadership Team, as well as 13 on site staff which will include teaching, support and pastoral staff. Staff will be expected to be on site from 8am to 5pm Monday to Friday, but students will arrive on staged drop off and pick up times which will be spread out between the hours of 08:45am and 09:15am, and 14:45pm and 15:15pm each day. There are no current plans for after school activities or site usage on a weekend.
- 2.14 All staff will be required to utilise the existing site car park, but will also be actively encouraged and supported to car share or utilise the local public transport connections to access the site, to further assist in limiting traffic demands associated with the proposed use.

Students will be actively supported to access the site via the plethora of public transport opportunities, or will in fact be brought to site by pre-arranged local authority home-to-school transport services. It is however pertinent to note that there are extensive opportunities for lawful on street car parking in the immediate local area. Furthermore, that the existing lawful use of the site could in reality generate greater vehicle movements and parking demands than the use as proposed. This proposed change of use could well therefore offer a material benefit in relation to highway safety, congestion, parking etc when compared to the previous situation.

- 2.15 There are only limited physical build works being proposed relating to the reallocation of some of the outdoor spaces for designated off street car parking. The alterations proposed within this application are in our view however minor in nature, are suitable and well designed, and will not result in harm to the visual amenities of the street scene, nor to the amenity of neighbouring properties, and certainly not a degree that would justify refusal of this application. In fact, the installation of additional off street parking does in fact demonstrate an enhancement and betterment over and above the existing position.

Statutory Development Plan

- 2.16 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that when determining a planning application, local planning authorities must make their determination in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan relating to the site consists of the Kirklees Local Plan. As shown within this statement, the scheme is deemed to be compliant with the relevant provisions and policies of the Development Plan when read as a whole, and we therefore look forward to working positively and proactively with the local authority on a positive determination of this application.

Planning History

- 2.17 From an initial review of the council website, we are not aware of any previous applications on site which may be deemed to be determinative to this application.

3.0 Relevant Planning Policy – National Planning Policy Framework

- 3.1 In the assessment of this application, due regard needs to be paid to the provisions of the Development Plan, which comprises the Revised National Planning Policy Framework and the Kirklees Development Plan. This section of the report will focus on the latest national planning policy position, with local policies addressed at Section 4.

Revised National Planning Policy (NPPF)

- 3.2 The Revised National Planning Policy Framework was last updated in February 2025, and sets out the Government’s planning policies for England, and how these are expected to be applied. Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF is a material consideration in the decision-making process, and a summary of paragraphs considered material to the determination of this application read as follows:

Section 2 - Achieving Sustainable Development

“Paragraph 8: Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
- b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
- c) *an environmental objective—to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.”*

“Paragraph 10: So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.”

“Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means:

- c) *approving development proposals that accord with an up-to-date development plan without delay; “*

“Paragraph 12: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

Section 4 - Decision Making

“Paragraph 38: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.”

“Paragraph 47: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.”

Section 5 – Delivering a Sufficient Supply of Homes

“Paragraph 63: Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing (including Social Rent); families with children; looked after children; older people (including those who require retirement housing, housing with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes.”

Section 8 – Promoting Healthy and Safe Communities

“Paragraph 96: Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

- a) *promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;*
- b) *are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high*

quality public space, which encourage the active and continual use of public areas; and

- c) *enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.”*

“Paragraph 100: *It is important that a sufficient choice of early years, school and post-16 places are available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:*

- a) *Give great weight to the need to create, expand or alter early years, schools and post-16 facilities through the preparation of plans and decisions on applications; and*
- b) *Work with early years, school and post-16 promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.”*

Section 9 - Promoting Sustainable Transport

“Paragraph 114: *In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users;*
- c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.”*

“Paragraph 115: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

“Paragraph 116: *Within this context, applications for development should:*

- a) *give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;*
- b) *address the needs of people with disabilities and reduced mobility in relation to all modes of transport;*

- c) *create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;*
- d) *allow for the efficient delivery of goods, and access by service and emergency vehicles; and*
- e) *be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.”*

Section 11 – Making Effective Use of Land

“Paragraph 123: Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

“Paragraph 124: Planning policies and decisions should:

- a) *encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;*
- b) *recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;*
- c) *give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;*
- d) *promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure); and*
- e) *support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers...”*

“Paragraph 128: Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) *the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*

- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed –as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and*
- e) the importance of securing well-designed and beautiful, attractive and healthy places.”*

Summary

- 3.3 The development subject of this application secures an effective and efficient use of an existing vacant and underused building within a suitable and sustainable location. The scheme proposes only limited external alteration which secures the delivery of additional off street car parking for a number of vehicles.
- 3.4 The scale of built development is clearly very limited and will not therefore result in visual impacts on the wider local area, or the character and appearance of the street scene. The proposed off street car parking is deemed to be sufficient to meet the operational needs of the development, and will in fact represent a betterment over and above the existing position. The site is also sustainably located with good access to alternative means of travel, and it is also material to the decision making process to assess the realistic comparable scale of traffic generation and parking demands from the use as proposed, from that previously in situ and lawful. In that regard the scheme is deemed to be acceptable.
- 3.5 The scheme as proposed whilst resulting in the loss of a former care use, will be delivering much needed alternative community benefit through new education spaces which will help to meet the needs of the younger members of the local community, and specifically those better suited to a specialist education facility, as opposed to mainstream services. The scheme secures the viable reuse of a longstanding vacant property which has become the attraction for criminal activity and is not therefore offering material benefit to the local community or the visual amenities and character of the street scene.
- 3.6 The development is not felt to result in harm to the amenities of neighbouring residents given the proposed hours of operation and the limited nature of the scheme as proposed. Whilst there will inevitably be an increase in activities on site over and above that seen since the previous care facility closed, the limited intensity of the use proposed and the careful management of operations on site, will in our view ensure that neighbouring residential amenity is not unduly affected and certainly not any greater than the lawful use of the site. For clarity, whilst some outdoor learning may take place within the grounds of the site, this is likely to be limited in nature and will be well managed, with most outdoor play and physical activity to take place in the local area on designated greenspaces or by pre-arranged appointment at local leisure centres, further assisting in limiting noise and disturbance. In any event, activities on site are not deemed to result in greater levels of activity and disturbance over and above the former use.

- 3.7 When weighing up the case in favour, and the benefits to be achieved through the viable re use of the building, the delivery of much needed additional new school places for young persons with specific needs, and the benefits to the local economy in relation to the investment in the existing site, reuse of a longstanding vacant building, the lack of market interest to retain the former care use of the site, securing job creation and additional disposable income in the wider local area, it is clear that the case in favour of this application is sufficient to justify approval. In addition, there does not appear to be a policy presumption against the scheme, given that the loss of the former use in our view can be robustly justified by the lack of market interest for a care facility or a number of other uses given the significant investment required to bring the building back into viable use, and the wider public benefits to be achieved through the grant of consent.
- 3.8 The application has been submitted with sufficient information to allow a thorough examination of the scheme, and to set out the support for a positive determination of the application. The scheme as submitted is therefore deemed to be compliant with the provisions of national guidance, and in line with the provisions of paragraph 11 of the Framework, we would therefore kindly request that the Council grant consent for the scheme as proposed without delay.

4.0 Relevant Planning Policy – Kirklees Development Plan

4.1 The Development Plan for Kirklees comprises of the adopted Kirklees Local Plan (2019) and any relevant supplementary planning documents.

4.2 From a review of the adopted Proposals Map from the Local Plan (extract included below), the site is understood to be located within the main built up area, within a Biodiversity Opportunity Area and a Mineral Safeguarding Area for Sandstone.

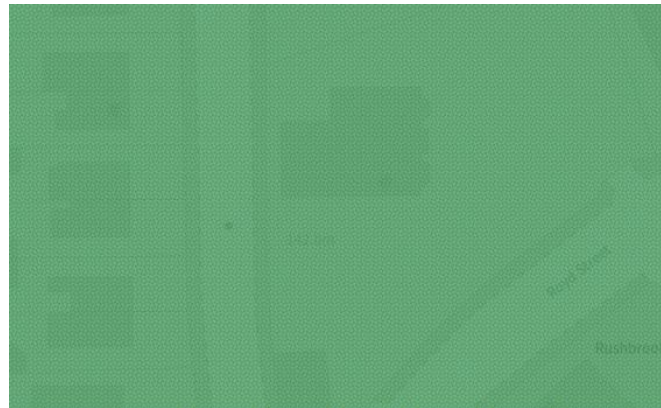


Figure 1: Proposals Map Extract

4.3 The key determinative policies associated with the proposed development are understood to include:

Kirklees Local Plan (2019)

- Policy LP1 – Presumption in Favour of Sustainable Development;
- Policy LP2 – Place Shaping;
- Policy LP3 – Location of New Development;
- Policy LP4 – Providing Infrastructure;
- Policy LP7 – Efficient and Effective Use of Land and Buildings;
- Policy LP9 – Supporting Skilled and Flexible Communities and Workforce;
- Policy LP20 – Sustainable Travel;
- Policy LP21 – Highways and Access;
- Policy LP22 – Parking;
- Policy LP30 – Biodiversity and Geodiversity;
- Policy LP33 – Trees;
- Policy LP47 – Healthy, Active and Safe Lifestyles;
- Policy LP48 – Community Facilities and Services;
- Policy LP49 – Educational and Health Care Needs; and
- Policy LP52 – Protection and Improvement of Environmental Quality

4.4 Of the policies detailed above, specific attention is drawn to the provisions of policies LP2, LP4, LP7, LP21, LP48 and LP49 as follows.

- 4.5 **Policy LP2** sets out that all development proposals should seek to build on the strengths, opportunities and help address challenges identified in the Local Plan. The Local Plan Vision sets out a clear desire/aspiration that by 2031 Kirklees will be a great place to live, work and invest in, by making efficient use of land and buildings, that health inequalities will be reduced with higher standards of health and well-being with improved access to training and job opportunities. The delivery of a specialist education facility meeting the identified needs of the local community, and specifically those not best served by the mainstream system will clearly assist the Council in meeting their Vision and Objectives. The creation of additional school places for children with additional needs will help improve their quality of life, their health, wellbeing and importantly their life chances and opportunities to access training and future job opportunities. The scheme subject of this application is clearly therefore wholly compliant with the provisions of policy LP2.
- 4.6 **Policy LP4** indicates that the Council will work with partners to bring forward the necessary and proportionate essential and desirable infrastructure that is required to deliver the spatial strategy for the authority area. In our view the delivery of additional school places to meet specific identified needs, would clearly assist in meeting the expectations of policy LP4, and to meet the likely growing need for specialist school places associated with a growing population.
- 4.7 **Policy LP7** outlines a clear focus on the efficient use of previously developed land in sustainable locations, and the encouragement of the reuse or adaptation of vacant or underused properties. The reuse of 55 Royd Street, which has stood vacant and unused for a number of years, represents a clear consistency with the requirements and expectations of policy LP7 and is therefore deemed to be acceptable as a matter of principle.
- 4.8 **Policy LP21** confirms that proposals should demonstrate that they can accommodate sustainable modes of transport and be accessed effectively and safely by all users. Further, that development will normally be permitted where safe and suitable access to the site can be achieved. The application seeks to deliver additional on site parking to meet the needs of the development, and to reduce demands on street parking provision over and above the existing arrangement. In addition, a travel plan has been submitted with the application to demonstrate how the Applicants will further seek to limit vehicle movements to the site and actively support more sustainable modes of transport. The scheme is therefore deemed to be compliant with the provisions of policy LP21.
- 4.9 **Policy LP48** states that community facilities should be provided in accessible locations where they can minimise the needs to travel. Further, that proposals will be supported for development that protects, retains or enhances provision, quality or accessibility of existing community, education, leisure and cultural facilities that meet the needs of all members of the community. Policy LP48 also confirms that proposals which involve the loss of valued community facilities will only be permitted where it can be demonstrated that there is no longer a need for the facility and due consideration has been given to alternative community uses, or the current use is no longer viable, or there is adequate alternative provision in the local area etc.

- 4.10 In this instance the former C2 use of the site ceased to operate a number of years ago and the site has therefore remained vacant and unavailable for any form of community use. In that regard there is no perceived loss of a community function from the scheme as proposed. The fire in July 2022 has further resulted in damage to the building which has made the site unattractive for alternative uses or even reinstatement of a C2 use. The fact that the site has been marketed for in excess of 12 months with no formal interest to take the site on given the significant investment required to bring the building back into functional use, indicates that the delivery of an F1 education use, to meet identified needs for children with additional needs will in reality simply deliver an alternative community use, indicating that the proposals are compliant with the requirements of policy LP48.
- 4.11 **Policy LP49** indicates that proposals for new or enhanced education facilities will be permitted where they are meeting an identified deficiency in provision, the scale, range, and quality of education facilities are improved, and they are well related to the catchment that are intended to serve to minimise the need to travel. We can confirm that the Applicant has been in discussion with the education teams at Kirklees Council and there is understood to be an identified need for the scheme as applied for. The form and scale of development as proposed is deemed to be suitable and appropriate in this location, and will deliver a high quality of education provision on a site well suited to the use as proposed, and well located to ensure accessibility. The proposals are therefore wholly compliant with the provisions of policy LP49.

Commentary

- 4.12 In relation to the site subject of this application, it is clear that the site has been in residential care use previously, prior to becoming vacant in the order of 10 years ago. However, as evidenced within the documentation submitted in support of this application, the reality is that the site has been actively marketed for a period of time, and that there has been no real interest in taking on the site for either an alternative care use or other uses. The site is therefore not only currently vacant, but clearly under utilised.
- 4.13 The Applicants have endeavoured to seek to locate suitable premises for their intended use, with the proposal site being deemed the most appropriate given its scale, layout and location.
- 4.14 The fact that the development complies with the provisions of the Development Plan in relation to, on balance, offering greater benefits with regards to expanding access to education, the creation of a future skilled and inclusive workforce, and meeting specific needs of some of the more vulnerable members of the local community, as well as the potential required job creation to support the development, do all in our view tip the planning balance in favour of the proposals.
- 4.15 For the above reasons, we are of the view that the scheme is compliant with the tests laid out within Development Plan given it will deliver an alternative community use and is therefore acceptable. The fact that the proposed use will also be securing the delivery of a

number of new jobs and promoting and supporting future employment within a sustainable and accessible location and on site currently offering no material benefit to the local community, is also in our view material to the decision making process and further weighs in favour of the scheme.

- 4.16 **Summary:** For the reasons laid out above, and given the clear benefits to be achieved from the scheme including enhancing the education, lifestyles, health, well being and future employment opportunities for children and young people in need, improving educational attainment, improvements in social interaction and wellbeing, and the reuse of a property in a suitable and sustainable location, all weigh in favour of the development. We are therefore of the view that the scheme as proposed within this application is wholly compliant and consistent with the provisions of the adopted Development Plan.

Supplementary Planning Documents

- 4.17 There are a number of tiers of planning policy which sit below the development plan, including supplementary planning documents and guidance. These documents are formally subservient to the Development Plan and provide detail to support Development Plan policies.
- 4.18 From a review of the adopted Supplementary Planning Documents we are not aware of any which are likely to be deemed to be determinative to the scheme as applied for.

Emerging Local Plan

- 4.19 Following the adoption of the Kirklees Local Plan in 2019 there was a need to undertake a review of the Plan after 5 years. The Council undertook the Local Plan Review in the summer of 2023, and determined in October 2023 that the Plan was in many ways deemed to be out of date. There was therefore a need to commence the preparation of a new Local Plan. The Council undertook early engagement to help shape the vision and objectives and to identify the main development challenges and opportunities in November 2024 through to February 2025.
- 4.20 Kirklees Council are understood to be reviewing the feedback received to that early engagement and to be preparing many of the evidence base reports in preparation of the next stage of consultation later in 2026. However, given that the emerging Local Plan is clearly therefore at a very early stage in the Plan Making Process, it is not in our view currently determinative to this application, and the focus therefore remains on the National Planning Policy Framework and the adopted Kirklees Local Plan as addressed above.

Summary

- 4.21 For the reasons laid out above and throughout this assessment, the scheme as submitted is deemed to be compliant with the provisions of the Development Plan when read as a whole, and we would therefore kindly request that the Council support and approve this application.

5.0 Other Material Considerations

- 5.1 Section 70(2) of the 1990 Act requires that the authority, in dealing with the application, shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations. It has been demonstrated above that the proposed development is in accordance with the relevant provisions of the Development Plan, including national and local plan policy. In addition to this, material considerations exist that weigh further in favour of the development, including:

Sustainable Development

- 5.2 The scheme as proposed represents a sustainable form of development given it involves the re-use of a previously developed site and longstanding vacant property within the built up area. The application site is well located for access to public transport and other key local services and facilities. The proposal has been designed to meet the needs of the development, whilst limiting impacts on adjacent land uses, as well as taking account of the character of the existing building and neighbouring sites. The scheme secures the viable long term reuse of an existing building, which given its current vacant state is bringing no social, economic or environmental benefits. The scheme as proposed can assist in addressing all of those elements and should in our view be seen positively by the local authority.

Education Places and Social Benefit

- 5.3 This application will secure the effective and efficient use of the application site, but not to a degree which impacts on the character of either the existing building, nor the wider local area. The site has been shown to be suitable and appropriate for the proposed use, and will help the Council to deliver much needed educational provision to meet a specific need in an accessible and sustainable location.
- 5.4 The scheme will help to enhance the future employment and life opportunities of students who are not currently catered for within the mainstream education system, and who therefore often get left out of education and training opportunities to the detriment of their future life chances and the wider economy. This development will help to support those students to develop new skills and an education for life which will make them more employable and ready for adulthood. These facts play an important role in the determination of this scheme.
- 5.5 The development proposed will improve the health and wellbeing of the local community, through delivering a purpose driven development that meets the needs of children and young people who cannot be catered for within the mainstream education system. The scheme promotes well being, will improve mental health and will promote social interaction, which again can be essential to improved quality of life and enhancement of future life chances.
- 5.6 The requirement to deliver specific school places to meet the needs of those students with additional needs simply cannot be underestimated. If these young people can locate education services better suited to their needs, it significantly enhances their health, mental

health and well-being, and importantly significantly enhances their life chances and life long opportunities. Access to a good education is a basic right, and the students create greater chances of accessing future employment opportunities, with the financial benefits this can deliver for themselves and the wider economy, if they can benefit from a suitable and supportive educational experience. The benefits both for the students and the wider local community from the scheme, both now and into the future, are clearly significant and weigh heavily in favour of the scheme as proposed.

Economic Growth

- 5.7 Whilst the proposal does result in the loss of a former community use, the property is vacant and is currently offering nothing to the local economy. There is therefore no justified need to protect and retain the existing use of the site, especially given that there is no loss of jobs, no loss of active care beds, and no real harm to the immediate and wider economy and to the overall level of provision of care within Kirklees. Furthermore, the scheme will assist in benefiting the wider local economy through job creation on site and spend within the wider local area once the facility is operational. This could result in a material benefit to the wider local economy and will ensure that the site continues to provide local job opportunities.

Impact on Character of the Area

- 5.8 It is material to the determination of this application that the existing site is vacant and has been attractive to and subject of previous criminal activity, including growing of illegal drugs which subsequently resulted in a detrimental fire on site. The use and attraction of the site for criminal and potential anti-social behaviour if the site remains in its current form and vacant nature will clearly be of detriment to the character of the local area, and raises a valid fear and perception of crime. In our view therefore, the creation of a viable reuse of the site which offers wider community benefit which will be secure, safe and well managed weigh heavily in favour of the scheme as applied for.

Summary

- 5.9 As such, whilst we are of the view that the development is compliant with the policies, provisions and principles of the Development Plan when read as a whole, there are also a number of clear material benefits to the grant of consent which also tip the balance in favour of the development as submitted. We therefore kindly request that this application now be approved without delay.

6.0 Crime Prevention Statement

- 6.1 Given that the scheme as proposed seeks to secure consent to deliver an education use it is understood to have exceeded the threshold for the requirement to submit a Crime Prevention Statement.
- 6.2 In line with the expectations of the Council validation checklist, we can confirm that the proposals have been designed paying due regard to the risk of crime and the need to maximise safety for the local community, including with a focus on Crime Prevention through Environmental Design Principles as addressed below.
- 6.3 **Surveillance** – The building is currently vacant and has been for some time, this not only means the site is an attraction for crime and anti-social behaviour, but also means that the site is not delivering any natural surveillance of the street scene. The delivery of an active use on site will therefore enhance the feeling of safety in the local area, and ensures that the site becomes less attractive for criminal activity than it does currently.
- 6.4 **Movement:** The plans as submitted show clear access arrangements for the proposed use. The scheme also includes a site entrance benefitting from good visibility from the street scene offering clear legibility through the site, but with access restricted by gates which will be locked outside of allocated pick up and drop off times.
- 6.5 **Management and Maintenance:** There are limited external spaces on site that require management or maintenance. It can however be confirmed that all outdoor spaces are secure and will be maintained by the Applicants to ensure that they remain clear of obstruction, and will be regularly subject of maintenance checks to ensure that the site remains secure and fit for purpose.
- 6.6 **Defensible Space:** The application site is bounded on all sides by existing stone walls and metal gates and in that regard includes clear defensible space, but the scheme overall will be subject of restricted access, safe and lockable on site cycle parking and bin storage, and will benefit from strong management practices to ensure the safety of all students and staff, and to restrict access for security purposes. The layout also therefore clearly delineates between public and private spaces.
- 6.7 **Physical Security:** All doors, windows and other physical features will be designed to protect the existing building and all future users. The scheme will also be delivered being mindful of ‘Secured by Design’.

7.0 Conclusions

- 7.1 It has been demonstrated throughout this submission that the development subject of this application, accords with the relevant statutory duties and the Development Plan when read as a whole. The proposed development is therefore deemed to be acceptable in principle, by virtue of the provisions of the National Planning Policy Framework and the Kirklees Development Plan.
- 7.2 Section 70(2) of the Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that where an application accords with the relevant Development Plan and material considerations are in favour, applications should be determined positively. As such, based on the above principles, we would therefore kindly request that the Council seek to support this proposal, and issue a grant of consent for this application without delay.